

### III. REMARKS

Applicants have considered the current Office Action with mailing date of March 21, 2007. Claims 1-20 are pending in this application. By this amendment, claims 1, 10, 14 and 18 have been amended. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present amendments/cancellations and the following remarks are only for facilitating expeditious prosecution and early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and objections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. In addition, Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, claim 14 is objected to for informalities. Claims 1 – 6, 9, 14 – 16 and 18 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Pub. No. 2001/0051904A1 hereafter “Nishimura.” Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nishimura in view of US Pub. No. 2003/0182391A1, hereafter “Leber et. al.”. Claims 10, 12-13, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being allegedly being unpatentable over Nishimura in view of US Pub. No. 2002/0154114A1, hereinafter “Christensen et. al.”. Claim 11 is being rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nishimura in view of Leber et. al. and Christensen et. al. Applicants respectfully disagree with the Office and present the following arguments for the Office’s reconsideration.

#### A. OBJECTION OF CLAIM 14

The Office has objected to claim 14 for allegedly using language to reflect intended use but not functionality of the claimed invention, which raised issues of informality. Applicants have amended claim 14 as suggested by the Office by replacing “for” with “to” to conform to the Office’s requirement of placing claim limitations in a definite form. Accordingly, Applicants respectfully request that the Office withdraw the objection and allow claims 14.

#### B. REJECTION OF CLAIMS 1 – 20 UNDER 35 U.S.C. §102(b) and §103(a)

With regards to the 35 U.S.C. §102(b) and §103(a) rejections of independent claims 1, 10, 14 and 18, over primary reference, Nishimura and/or secondary references Leber and Christensen, Applicants assert that Nishimura independently or in combination with any one of the secondary references does not teach each and every feature of the claimed invention. For example, with respect to currently amended independent claim 1, Nishimura does not teach, *inter alia*, that “...each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value [for comparison with]... the corresponding matching value...”. Support for the amendments to the claims is found in ¶ [0017] and ¶ [0024] of the originally filed specification of current patent application.

In addition to enumerating previously presented arguments, Applicants respectfully submit that Nishimura does not disclose or that a “...key is made up of attribute and value corresponding to the attribute...”. The Office cites, ¶ [0085] – [0086] in Nishimura in support of its interpretation that the “second part of the key is [claimed] value wherein Nishimura represents

it by the 'XXX-650Mh' or '30GB'", page 14 of current Office Action. However, from FIG. 2 in Nishimura, the second part of the key, e.g., XXX-650Mh, 30GB, 15-inch CRT, etc. are specification types/"...types of specifications", which is one of "...combinations of various specifications", Nishimura at ¶ [0074]. According to ¶ [0065] – ¶ [0066] in Nishimura, "...specification types are candidates of each specification kind to be selected" to meet the function designated under each corresponding specification kind. Therefore, a specification type is but an actual item having a particular attribute (i.e. function). To this extent, XXXX-650MHz, 30GB, etc., are actual items or, at most, item-based attributes but not a value corresponding to an attribute as in the claimed invention. As such, the Office's interpretation of Nishimura's specification types as the second part of the key, being an equivalent to the claimed value corresponding to an attribute, is incorrect.

Furthermore, Nishimura does not disclose or teach that a specification type (i.e. an item/attribute) "... is associated with at least one value... [for comparison with]... the corresponding matching value..." of a key, claim 1. As such, Nishimura does not anticipate the claimed features of currently amended claim 1. In the same vein, Nishimura also does not anticipate currently amended independent claims 10, 14 and 18. Accordingly, Applicants respectfully request that the Office provides withdraw this rejection and allow the independent claims.

Applicants further submit that secondary references, Leber and Christensen do not individually and/or, in combination, with Nishimura teach or suggest the claimed features of currently amended independent claims 1, 10, 14 and 18. Accordingly, Applicants respectfully request that the Office withdraw the rejection and allow the independent claims.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the corresponding independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of all the rejections.

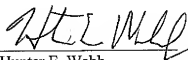
#### IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique feature. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: May 21, 2007



Hunter E. Webb

Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)  
HEW/TC